e-MANIFEST

ISSUE SUMMARY:

For more than 30 years, the RCRA manifest requirement to track shipments of hazardous waste has been a paper-intensive process that requires handling of approximately two million paper manifests each year, presenting a substantial paperwork burden for industry and regulators. In 2018, the EPA launched a national system for tracking hazardous waste shipments electronically, known as "e-Manifest." This system modernizes the nation's cradle-to-grave hazardous waste tracking process while saving valuable time, resources, and dollars for industry and states. By enabling the transition from a paper-intensive process to an electronic system, the EPA estimates e-Manifest will ultimately save state and industry users more than $50 million annually, once electronic manifests are widely adopted.

UPCOMING MILESTONES:

- **Early 2021 –** EPA to convene the e-Manifest Advisory Board, as required annually by the e-Manifest Act.
- **Spring 2021 –** EPA plans to propose certain amendments to the manifest regulations to incorporate export shipments and to leverage the system for other manifest-related reporting requirements.
- **June 2021 –** Beginning on June 30, 2021, the option to submit paper manifests by mail to the e-Manifest system will be phased out. After this date, receiving facilities must submit paper manifests by either uploading an image file or both an image and data file.
- **July 2021 –** By July 1, 2021, EPA must publish its revised user fees for the FY2022/2023 user fee cycle.

BACKGROUND:

Manifest tracking has been a key component of the Resource Conservation and Recovery Act (RCRA) to ensure that hazardous waste shipped off-site by generators is received by the facility designated by the generator for final treatment, storage, or disposal. This tracking is enabled via the Uniform Hazardous Waste Manifest form, which must be signed by the generator, each transporter, and the final receiving facility.

The e-Manifest system was established per the Hazardous Waste Electronic Manifest Establishment Act, which was enacted into law on October 5, 2012. EPA launched the e-Manifest system on June 30, 2018, to serve as a national hub for all manifests and to provide several benefits including: accurate and more timely information on waste shipments, rapid notification of discrepancies, increased effectiveness of compliance monitoring, and potential for integrating manifest reporting with the RCRA biennial reporting process.

All manifests, both paper and electronic, for which either federal or state law requires a RCRA hazardous waste manifest must be submitted, by the receiving facility, to the e-Manifest system. Use of electronic manifests is optional but highly encouraged by EPA; currently electronic manifests account for less than a half percent of all manifests received. Receiving facilities also have several options for submitting paper manifests to EPA, including by mail, scanned image upload, or upload of an image and data file.

The e-Manifest Act requires EPA to recover, through user fees, all costs related to development and implementation of e-Manifest. EPA charges user fees to receiving facilities for each manifest submitted and differentiates fees based on manifest submission type. EPA updates user fees every two years in accordance with the user fee calculation methodology in 40 CFR 264/265 subpart FF.

In addition, the e-Manifest Act requires EPA to establish a Hazardous Waste Electronic Manifest System Advisory Board that meets annually. This Advisory Board, established in accordance with the Federal Advisory Committee Act (FACA), provides recommendations on matters related to the operational activities, functions, policies, and regulations for the system.

KEY EXTERNAL STAKEHOLDERS:

☐ Congress   ☒ Industry   ☒ States   ☐ Tribes   ☐ Media   ☒ Other Federal Agency
☐ NGO   ☐ Local Government   ☐ Other: _____

Some industry stakeholders have expressed concern with the higher user fees set for the FY2020/2021 fee cycle, as compared to the previous FY2018/2019 fee cycle. The higher fees reflected that EPA received one million fewer manifests during its first year of operation in FY19 than originally estimated and, as a result, each individual manifest bears a larger proportion of the cost for operating the e-Manifest program. Furthermore, EPA lacked an adequate revenue stream in the initial year of the system launch that resulted in a significant paper manifest processing backlog, which is being addressed during the current fee cycle. Currently, 75 percent of all e-Manifest costs are borne by processing paper manifests and scanned images. Future cost savings are premised upon robust adoption of electronic manifests.

Stakeholders have expressed concerns regarding significant barriers to adopting electronic manifests, such as identify proofing and two-factor authentication requirements, adopted under the Cross Media Electronic Reporting Rule (CROMERR) and Department of Transportation regulations that require handlers to carry a hard copy of the manifest during transport to facilitate emergency response. Industry users have also expressed concerns about the logistical challenges of implementing electronic manifests, such as internet access, employee registration and signature requirements, and integration with their company systems.

MOVING FORWARD:

- Responding to e-Manifest Advisory Board recommendations, received in July 2020 and following the Agency's April 2020 Board meeting, focused on "Reengineering Electronic Signatures for Generators and Transporters to Increase Adoption of Electronic Manifests."
- Preparing to publish user fees for the upcoming FY2022/2023 fee cycle by July 1, 2021.
- Working with stakeholders to transition from mailed paper manifest submissions ahead of the phaseout on June 30, 2021.
- Developing rulemaking to leverage e-Manifest for export manifests and other manifest-related reporting requirements.

LEAD OFFICE/REGION: OLEM   OTHER KEY OFFICES/REGIONS: ALL REGIONS, OMS, OCFO, OGC, OECA